

05.02.2025
Item no. 07.
Court No.29.
AB
(Rejected)

CRM (DB) 4317 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Alipore P.S. Case No.206 of 2017 Dated 6.8.2017 under Sections 302 /394/460/34 of the Indian Penal Code

And

In the matter of : Zakir Hussain Molla @ Jakir Molla

.....Petitioner.

Mr. Sayan Kanjilalfor the Petitioner.

Mr. Joydeep Biswas,
Mr. Arup Sarkarfor the State.

Mr. Phiroze Edulji, Sr. Adv,
Ms. Sarada Hari Haran,
Ms. Priyanka Bhattacharya
....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Report filed by the State, be kept with the records.
2. The petitioner renews his prayer for bail primarily on the ground of delay in trial. He says that he is in custody for about 7 and ½ years.
3. We see from the order dated October 4, 2023, passed by a Coordinate Bench in CRM (DB) 3806 of 2023, being a bail petition moved by this petitioner, that while rejecting his prayer, the Coordinate Bench clearly recorded that “delay in the matter is due to dilatory tactics resorted by the petitioner. He had prayed for deferment of proceeding.”

4. We further see from the material on record that substantial part of the delay is due to the dilatory tactics resorted to by this petitioner. The charge against him is very grave. It is of robbery and murder. An 80 year old gentleman was smothered and strangled to death. The evidence/ material on record against the petitioner is overwhelming. If convicted, he faces mandatory life sentence.

5. Further, the State says that it will examine a maximum of ten more witnesses. The trial is very likely to conclude within the next 4/5 months.

6. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.

7. The prayer for bail is rejected.

8. CRM (DB) 4317 of 2024 stands dismissed.

9. However, in view of the submission made on behalf of the State as recorded above, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date and preferably within the period indicated by the State Counsel herein. In the event, the trial is not concluded, the petitioner will be at liberty to renew his prayer.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

